

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON McCOY, No. 2:02-cv-0166-MCE-CMK-P

Plaintiff,

v.

ORDER

CAL A. TERHUNE, ET AL.,

Defendants.

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) (1) (B) and Local General Order No. 262.

On July 14, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days.

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1 Plaintiff has filed objections to the findings and  
2 recommendations.

3 In accordance with the provisions of 28 U.S.C.  
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a  
5 de novo review of this case. Having carefully reviewed the  
6 entire file, the court finds the findings and recommendations to  
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed July 14, 2006,  
10 are adopted in full; and

11 2. This action is dismissed without prejudice for failure  
12 to exhaust administrative remedies prior to filing this action.

13 DATED: September 8, 2006

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MORRISON C. ENGLAND, JR  
UNITED STATES DISTRICT JUDGE